

HANDBOOK FOR **CITIZEN** **FAIR** **HOUSING** **ADVOCACY**

under the
Housing and Community
Development Act of 1974

by Ernest Ender

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December 1974

FOREWORD

This handbook continues the 25-year-old tradition of the National Committee Against Discrimination in Housing as a national resource for local citizen action. NCDH is confident that the widespread response to housing/civil rights issues in the 1950's and 1960's will be repeated in the 1970's in the form of citizen advocacy on behalf of fair housing in use of federal funds under the Housing and Community Development Act of 1974.

The publication of the handbook is one of several measures called for by NCDH's Board of Directors on October 23, 1974, when it adopted a comprehensive program of action to stimulate local citizen responses to the new Act. The handbook, therefore, is the first step in a national campaign to bring into play the power of informed citizen action at the local level.

Difficulties were imposed on the preparation of this handbook by HUD's stretching its piecemeal publication of administrative regulations past the December 1 date on which it began accepting applications from local governments. Though the final version of some regulations are still not available (mainly dealing with Section 8 programs), publication of the handbook without further delay has become imperative to make it available to citizen participants in the preparation of local applications, a process already underway and likely to continue in many communities through the first quarter of 1975. Every reasonable effort has been made, despite the above-mentioned difficulties, to check our interpretation of HUD's regulations as each successive set was published to the end of 1974.

The preparation of the handbook was truly a collaborative work. I am chiefly indebted to John Prior, Research Analyst, for his painstaking perusal of the new Act, consisting of 108 pages of fine print, and the even more voluminous regulations. The text benefited from the editorial suggestions of Margaret Fisher, editor of NCDH's Trends in Housing, Madelyn A. Bonsignore, editorial director for the League of Women Voters of the United States, and Ruth Saari, my secretary, who also typed the manuscript in its several revisions. Valuable comments on contents were received from James Harvey, Executive Director, Metropolitan Washington Planning and Housing Association; Kale Williams, Executive Director, Leadership Council for Metropolitan Open Communities, Chicago; William Morris, Director of Housing Programs, NAACP, and Michele Tow, Director of Research, Housing Council of the Niagara Frontier, Buffalo. Robert C. Weaver, NCDH President, and Edward L. Holmgren, Executive Director, gave the project enthusiastic support.

December 23, 1974

Ernest Erber, Director,
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I. THE NEED FOR CITIZEN PARTICIPATION

Never before have the Congress of the United States and the President so expressly stated that they want you--the citizen--to have a voice in your community's use of federal funds.

On January 1, 1975, the federal government will begin processing applications for over \$11 billion to be distributed largely to local governments to use pretty much as they think best for community improvements and housing for low and moderate income families. Your city or town is either already entitled to a specific amount of this money over the next six years or has an opportunity to qualify during that period. The filing deadline for those entitled to grants is April 15; for those seeking to qualify it is May 15.

Unlike previous federal grant programs which gave separate amounts for urban renewal, neighborhood facilities, open space or water and sewer lines, the Housing and Community Development Act of 1974 makes a block of money available for such purposes, and the local government decides which of them it wants to spend them on and how much for each. The money is available, however, only on condition that the local plan contain provision for housing low and moderate income families.

Application for funds must be accompanied by a three-year plan for their use and a detailed first-year action program. The granting agency, the U.S. Department of Housing and Urban Development (HUD), is not likely to examine the local plan except to check for formal compliance with requirements that information drawn from the census and other known sources be included. In the absence of contrary representations, HUD will assume that the local plan submitted with the application reflects the best interests of racial minorities and those of the low and moderate income population.

In order to assure a voice for these target populations, the law specifically provides for local citizen participation in formulating required plans. However, HUD gives every indication of interpreting the new Act as sanctioning a transfer of its oversight and monitoring responsibility to local citizens. Both by reason of the law's shift of program options to local government and by reason of HUD's narrowing of its civil rights responsibility, local citizens committed to fair housing become the first line of defense against efforts to spend these billions of federal dollars without regard to equal opportunity.

The new Act and HUD's interpretation of it do not, and cannot, relieve the federal government of its constitutional and statutory obligations to safeguard civil rights. Derelictions in this regard will be challenged administratively and, where necessary, litigated. However, administrative and legal machinery move slowly in correcting abuses. Meanwhile, money, time and opportunity are lost.

Fortunately, Congress wrote into the new federal funding law a requirement that your local officials must give citizens an "adequate opportunity" to participate in deciding how the money is to be spent. Your mayor (or whoever is the chief executive officer of the jurisdiction asking for federal funds) is mandated by law to certify that citizens were given "adequate opportunity" to participate in preparing the plans that must accompany the local application for funds. False certification is grounds for canceling federal grants.

The Congress provided the opportunity for citizens to have a voice--the rest is up to you. If you fail to take advantage of the opportunity to participate, the blame can hardly be placed on your local officials. Many of them might be glad if you did not participate or limited your participation to a few quick questions at a public hearing. So do not expect to be coaxed into activity by city hall. You may have to elbow your way in. Do whatever it takes to make your input. Without you the local plan is far less likely to face up to the real needs of minorities and of low and moderate income people generally than with your help and prodding.

To be effective you have to know what you want done and how to get it done. The first requires information and the second organization. This manual is designed to help you in both regards.

The pages that follow answer most of the key questions about the newly-enacted Housing and Community Development Act of 1974 and give advice on how citizens concerned with equal opportunity for minorities can monitor local plans to assure that federal funds will be used for fair housing, in keeping with national policy as established by law.

II. HOW FAIR HOUSING ADVOCATES CAN BE EFFECTIVE IN INFLUENCING LOCAL APPLICATIONS AND REQUIRED PLANS

A citizen group whose priority is fair housing must make its input throughout the process, from plan-making through all stages of implementation, to assure that local use of federal funds yields maximum housing opportunities for minorities.

Citizens themselves can and must determine that the citizens' share in preparing the local application and its required community plan will be meaningful and not merely perfunctory. Where efforts to take part are non-existent or weak, the local government is likely to reduce compliance with the new Act's provision for citizen participation to several public hearings on a "cut and dried" final plan. Where citizen efforts are effective, the preparation of the local applications for federal block grants and housing assistance--essentially the three-year community plan and its housing provisions, will be influenced from the outset by proposals and criticisms advanced by informed, resourceful and skilled advocacy groups. The latter will be motivated by varying interests, objectives and priorities. Many will consider fair housing to be of secondary importance; others might be totally disinterested, if not hostile.

The strongest weapon available to fair housing advocates monitoring compliance with fair housing laws is that disregard of equal opportunity provisions in community applications under the new Act makes them subject to rejection by HUD. The Act requires HUD to consider information that is critical of an application brought to its attention from sources other than the applicant governmental unit.

The key to success in advancing equal housing opportunity at the local level, therefore, is effective citizen advocacy actions. But what constitutes effectiveness?

Primarily, effectiveness is composed of these elements:

1. Commitment
2. "Know-how"
3. Broad support.

Commitment. Effective advocacy of equal opportunity requires leadership with commitment born of awareness that America's future as a democratic society depends on our becoming one nation--not two, separate and unequal--and that decisions about to be made for use of federal funds for housing and community development are likely to determine where

and under what conditions a high proportion of the minority population will live for many years to come.

"Know-how." Information and knowledge (and skill in putting it to use) is power; not necessarily sufficient power to be decisive, but power to be reckoned with, nevertheless. At a minimum, the goal of local citizen advocates of equal housing opportunity should be to know as much about the relevant provisions of the Housing and Community Development Act of 1974 and its administrative regulations as do the elected and appointed officials of their local government. Additionally, local citizen advocates must be informed about local housing conditions and needs and should be able to package and present a clear and convincing case for their critiques and proposals.

Broad support. Those with commitment and "know-how" cannot, in the end, prevail without broad support in the community. And support is built by devising and carrying out a strategy aimed at winning allies, even if for only parts of overall objectives. Such a strategy should be capable of marshaling a coalition of local supporters that elected officials dare not ignore.

Organizing the "Commitment" Advocacy Group

The first step toward effective advocacy for fair housing is formation of an action committee of organizations and individuals already committed to equal opportunity in housing, specifically to the full implications of affirmative action. The initiative to form such an advocacy group can be taken by an individual or an organization.

Commitment to, and clarity of, common purpose is essential to effective action. The form of organization--formal or informal, tight or loose, ad hoc or comprehensive--is of secondary importance.

Potential members of such an advocacy group, in addition to those already active in fair housing organizations, are likely to be persons identified with civil rights activity locally in connection with NAACP, Urban League, League of Women Voters, churches, ACLU, certain trade unions, women's rights groups, campus groups, Spanish-speaking, Native American, Jewish and other organizations programmatically committed to equal opportunity. (Broad coalition building beyond the "commitment" core is discussed on page 7.)

Getting Information

Before the advocacy group can decide on objectives and a strategy for achieving them, it must get reliable information to guide its decisions. The following information is essential:

1. the actions (or intentions) of local government with respect to application for federal funds under the Housing and Community Development Act of 1974;
2. status of previous and/or ongoing projects funded under

terminated categorical grant programs (e.g. urban renewal, open space, water and sewer, neighborhood improvement, etc.) and federally-subsidized housing projects (public housing, elderly housing, 235, 236, rent supplement, etc.);

3. basic data on local housing (age, type, condition, value or rent, racial occupancy, etc.), current and prospective job location and growth, and population distribution and trends by race and income.

A subcommittee might be assigned to gather information for each of the above subdivisions. The sources of such information might vary somewhat in different cities, but here are some starting points:

For actions or intentions of local government talk to the chief executive of the local government (mayor, city manager, county executive, etc.);

For status of previous and/or ongoing programs, go either to the chief executive or to the administrative agencies in charge, such as the Housing Authority, CAP agency, etc. or the fiscal or budget officers, and

For basic data check the files of the local planning offices.

A citizen's right to the above information is not likely to be questioned, though uncooperative officials might seek to frustrate such inquiries by wearing down the inquirer with red tape and delays. Such lack of cooperation is clearly contrary to citizen participation provisions of the new Act, so carefully compile evidence of such conduct as the basis for a complaint to HUD.

Formulating Proposals

First determine what your group sees as the needs, objectives and general solutions, then evaluate the proposed plans of the local government. Since time is of the essence, make a start on this process, even while you are still assembling your information base. In your preliminary determination consider:

1. Needs. What are the quantitative and qualitative housing needs of the low and moderate income residents, especially those of minority race?

2. Objectives. How can the goal of freedom of choice in place of residence without regard to race or income best be achieved? How should assisted housing be distributed to make this goal real?

3. Resources. What are the likely resources available to local government for community development and housing? How much can be expected for Section 8 and other federal housing subsidy programs? Will state grants or loans be available? Does local government intend to supplement the program of community development with its own funds? Does the local government (or its housing authority) intend to facilitate the Section 8 program by financing construction of housing, either directly

or through loans to private builders?

4. General Proposals. Is it feasible to propose that a metropolitan regional housing allocation plan be prepared for its distribution of assisted housing throughout both city and suburb? Can guidelines be drawn for allocation of community development funds and housing subsidies to both ghetto and non-ghetto areas? Is it advisable to propose application for HUD housing assistance under programs other than Section 8? Can standards be proposed for relating community facility needs to housing (e.g. for a given number of dwelling units, the plan might call for adequate number of available seats in local school, beds in hospital, acres of playground and park, etc.)?

Assistance in work on needs, objectives, resources and proposals can come from several kinds of groups in the community: neighborhood groups concerned with community improvement, professional groups willing to contribute knowledge and skills, and college students and faculty.

Make particular efforts, within the limits of time and manpower, to involve neighborhood and community groups, especially about proposals concerning their area: paternalism is no better when practiced by a citizens group than by officials. It should be incumbent upon the local government to notify low income and minority residents likely to be affected by community development and housing plans that they have a right to participate in the preparation of such plans.

Technical assistance might be available through professional organizations, (e.g. American Institute of Planners, American Institute of Architects) or trade groups (e.g. association of homebuilders, real estate brokers, etc.).

Universities can be an important source of skilled assistance. Students and faculty often welcome the opportunity to work in an active program to supplement their studies in the social sciences or urban planning.

Gaining Broad Support

Be sure to let the community know about the creation of the fair housing advocacy group and keep people informed about its activities and proposals. One way is to circulate a statement of purposes or objectives. Seize every opportunity to have representatives of the advocacy group speak on TV, radio and before local audiences.

Once you feel confident that you know what you want, begin seeking allies. In most situations the fair housing advocacy group will not be the only citizens organization seeking to influence local governments' decisions. If a broadly-based citizen committee has emerged, either by appointment of the mayor or through other initiation, your fair housing advocacy group should ask that it be represented. Your representatives should press for the creation of a fair housing subcommittee. Many of the objectives of your group might be acceptable to such a broadly-based committee and can be presented to local government in its name. Even so, keep your fair housing advocacy group intact and be ready to speak

out publicly in its name whenever necessary. Competition for limited resources in public bodies often results in compromises that violate equal opportunity, especially for racial minorities. The fair housing advocacy group must be alert to speak out on such occasions, even if the broad citizens committee abandons the fight for equal opportunity.

Depending on local circumstances, especially the pattern of power relations between community groups, it might prove useful for the advocacy group to create a broad coalition of allies from among those who might be only in partial agreement with the group's fair housing objectives. Thus the housing industry might favor liberalization of Section 8 fair market rents to maximize its attraction to the private sector, while opposing additional traditional public housing. Suburban employers might be indifferent to broad principles of fair housing but might support a regional housing allocation plan to augment their labor supply. Central city taxpayers might also support regional housing distribution because they find the concentration of low and moderate income households an excessive burden on city resources. The building of power blocs or coalitions on specific proposals is a natural process in decision-making. This is a game that fair housing advocates should learn to play if not already adept.

Getting into the Act

Congress wrote the words "citizen participation" into the new Act. Had it intended to confine citizens to a public hearing procedure, it would have said "public hearing," as do many other federal laws. Citizen "participation" should be taken to mean what it says: viz. citizens are to be involved in preparing the application and its accompanying plans and programs. Once your advocacy group knows what it wants, you should lose no time getting into the act of application preparation.

The first step is to find out who in local government is working on the application, what they are doing and how far along they are. The likelihood is that the chief executive's staff, the planning director and the fiscal officers (treasurer or budget director) are involved.

Call on those involved and get the information you need for meaningful participation. Offer to advise and assist the local government officials with reference to fair housing compliance in use of federal funds. Be sure you are in a position to inform them on the meaning of affirmative action and federal requirements for site selection and affirmative marketing. Offer to provide advice on the regional implications of free choice in housing and help in furthering regional solutions.

A difficult aspect of relations with local officials preparing the application is likely to be access to materials that are part of work in progress. It is hoped that common sense arrangements can be made that are mutually satisfactory. Documents in draft form can not always be made public without creating premature tension and conflict. On the other hand, citizen participation is possible only on the basis of reliable information on plan formulation. The chief executive can obviate problems in this area if he authorizes frequent and useful briefing sessions with representatives of citizen groups and arranges for periodic release

of preliminary proposals for public comment.

Publishing a Critique and Counter-Proposals

A citizens fair housing advocacy group should be prepared to respond to the publication of the local government's proposed application and related plan and program with a critique and, where necessary, counter-proposals. Release them to the media and make them the basis of a public information campaign to secure widespread support. Send copies to community leaders and organizations with a request for endorsements. Follow up with personal contacts where endorsements are critically important.

File objections and counter-proposals with the governing body and also with local and state human rights commissions, equal opportunity officers in HUD area and regional offices, and other agencies charged with enforcing civil rights laws (e.g. Equal Employment Opportunity Commission, Office of Federal Contract Compliance).¹ Maintain copies of all correspondence.

If the local government cannot be persuaded to amend its application, offer formal objections and counter-proposals at the public hearings.

Using the Public Hearing

Public hearings are often the occasion for "counting noses," so make certain you are well represented in the attending public. If the fair housing case requires presentation of a large body of argument and data, subdivide the subject matter and assign a number of speakers separate parts to present. Be sure each speaker is familiar with the subject matter and able to answer questions on it.

Distribute copies of your prepared statement (or statements) in advance of the public hearing to the hearing body, potential allies and the media. The latter should have instructions not to release until after the hearing. (There might be some special circumstances in which publication in advance of the hearing is indicated.)

The governing body may amend the application, reject it, or send it to the mayor for his signature. Have your objections and counter-proposals in writing and presented for insertion in the hearing minutes. If possible, tape the hearing for possible use in litigation.

A-95 Review and Civil Rights Impact

If you have exhausted all efforts to influence the local application without effecting adequate changes, the fair housing advocacy group should move quickly to use opportunities to challenge the application at higher levels. The first such opportunity is at the regional clearinghouse, through the Project Notification and Review System established by the Office of Management and Budget (OMB) pursuant to federal law.² (See Appendix A for language contained in Circular A-95 with reference to civil rights impact statements.) Its purpose is to facilitate coordinated planning among all levels of government and to assure the consistency of

proposed programs with federal, state and local requirements.

Simply stated, the A-95 review process, as it is commonly called, requires that applications for federal funds be made known to affected agencies of government at the local, regional and state levels to give them a chance to attach such comments as they might wish to make for the information of the federal funding agency. The agency which distributes copies of an application for review is called a "clearinghouse," in this instance, usually a regional planning agency or metropolitan council of government.³ A clearinghouse also makes its own review of an application and attaches its comments. The time allocated for reviews and comment is 45 days from receipt of application.⁴ The clearinghouse staff may confer with the applicant agency during the 45-day period in an effort to resolve any conflicts with other agencies or objections relating to compliance with existing plans, regulations or statutes.

Public agencies charged with enforcing or advancing the objectives of state and local civil rights laws may comment on the civil rights implications of proposals for federal funding. State and local civil rights commissions and human relations agencies receive notices of all proposals. Your fair housing advocacy groups should present such agencies with documented materials on civil rights impact of the application and ask them to review the material for possible use in preparing their comments. If they lack necessary staff or expertise to prepare comments, suggest that your group can prepare a draft comment for them.⁵

Though comments attached in the A-95 review process are not binding on the federal funding agency (in this case HUD), the agency is required to take them into consideration in making its decision on funding.

Planning Assistance (701) Grants

The new Act makes land use planning mandatory for state, regional and local planning agencies receiving federal planning assistance grants under Section 701.⁶ (See Appendix B.) This obliges metropolitan regional planning agencies that operate with 701 funds (virtually all of them) to allocate appropriate quantities of land at suitable locations for residential use at densities indicated by population projections, employment opportunities, transportation, sewage disposal facilities, and other relevant objective criteria. Such regional land use plans can provide leverage for fair housing advocacy groups to argue that residential land use allocations should be based on the need to provide housing opportunities throughout the metropolitan region for low and moderate income households through the housing assistance provisions of the new Act. Essentially, such a contention would hold that, to be meaningful, a regional land use plan can make a rational designation of land for residential use only on the basis of a housing allocation plan that distributes units by such objective criteria as cost, size and type.

Appealing to HUD

The new Act requires HUD to take notice of information regarding an application supplied by others than the applicant.⁷ If efforts to safeguard fair housing opportunities have not been successful at the

local or regional levels, the fair housing advocacy group should make representations to the HUD field office to which the local government's application has been made.

The new Act has not lessened any of the statutory obligations imposed on HUD by federal civil rights legislation, specifically Titles VI and VIII.⁸ Title VI forbids the expenditure of federal funds for any use or purpose in which the civil rights of citizens of a minority race are violated. Title VIII makes fair housing the law of the land and imposes on the Secretary of HUD the obligation to take affirmative action to carry it out.

In conferring on local governments wide choices in the use of block grants for community development and in the allocation of Section 8 housing funds, the new Act does not diminish in any regard HUD's responsibility to review applications for funds in a manner that assures compliance with federal civil rights laws. The likelihood, however, is that the local government's pre-certification of compliances will be accepted on its face value by HUD in the absence of evidence to the contrary. Nor does the provision for a year-end performance audit by HUD relieve it of the statutory obligation to investigate responsible charges brought to its attention alleging violation of federal laws and regulations in proposed uses and purposes contained in the application and its required plans.

If your fair housing advocacy group fails to get satisfaction at local and regional levels, appeal to HUD at once for rejection of the local government's application. Send a copy of the appeal to the equal opportunity officer at the HUD field office that is processing the application and forward a copy to the Assistant Secretary of Equal Opportunity, HUD, Washington, D.C. 20410. (A copy should also be sent to NCDH, Suite 410, 1425 H Street N.W., Washington, D.C. 20005.)

Accompany the written appeal with a request for an appointment with the HUD field officer processing the application to present reasons why it should be rejected. On request, NCDH's legal staff will advise you of your rights in bringing information to the attention of HUD. (Submit a complete file of relevant documents on the issues. NCDH attorneys will examine the facts and the laws involved and, where indicated, recommend legal challenges to HUD rulings.)

Compiling Data on Local Performance

The new Act requires that HUD make year-end performance audits of local governments that have received block grants for community development. It is therefore very important that you carefully monitor the actions of local government in spending the federal grant, specifically all actions impinging on equal opportunity in housing and equal access to community facilities. Carefully document all evidence of violations of fair housing law and deviances from the application⁹ and its plan, as preparation for filing with HUD a year-end report on the local government's fair housing performance.

III. FAIR HOUSING OBJECTIVES TO BE PURSUED

IN REVIEWING LOCAL APPLICATIONS AND PLANS

It is essential that you evaluate your local government's application for a community development grant for responsiveness to the needs of low and moderate income persons, especially those of minority race.

In reviewing and commenting on local applications and plans, your concerns as fair housing advocates will naturally be focused on the required housing assistance plan. It would be an error, however, if such focus were to result in your ignoring the community development proposals as a whole. Neighborhood improvement (covering a wide range of very local public works), parks, sewer and water lines, urban renewal, etc. are essential ingredients of a "livable environment," without which a "decent home" cannot exist.

The requirement that provision for housing low and moderate income families is a requisite for access to federal funds for community development is one of the significant breakthroughs achieved by the new Act. In linking community development funding with housing for low and moderate income persons, Congress intended that local governments should use the federal funds integrally, with community development supplementing housing improvements and thus giving ultimate purpose to community development.

Such spatial interrelatedness in planning housing and community development differs from the concept that a suburban town, for example, that needs federal sewer and water funds for an expanding section of \$50,000 houses, can "earn" it by approving rehabilitation of some old homes at the edge of the business district for low and moderate income occupancy, or even permitting construction of some public housing in racial and/or economic ghettos. The new Act as a whole (not just its housing portion) has as its declared objective "the development of viable urban communities" through the provision of "decent housing and a suitable living environment and expanding opportunities, principally for persons of low and moderate income." 10

Minority Access to Community Improvements

It is therefore essential that you evaluate your community's improvement proposal in its application for federal funds from the point of view of the needs of low and moderate income persons, particularly those of minority race.

A proposed site may be inaccessible to the minority community. It may be located on the other side of a freeway, park or other barrier that separates the minority residential area from the rest of the city or county. The census information being submitted might not reflect racial segregation patterns on a small area basis. It will also not indicate changes in minority residential patterns that have occurred since the 1970

census. Nor will census data project the effects of proposed sites on minority school enrollment and job opportunities.

So seek data to answer the following questions:

Will the proposed projects cause any land use changes (e.g. a change from residential to commercial zoning due to urban renewal or a new freeway) in or near minority areas?

Will the proposed uses change school boundaries, minority school enrollments, or create racial imbalances in the local school system?

Will the proposed uses improve minority accessibility to existing or planned shopping facilities?

Will the proposed uses affect minority accessibility to existing or planned recreational facilities?

Will any of the proposed uses give minority communities a lower quality of services than those received by predominantly white areas?

How many new jobs will be created during either the planning or the implementation phase of the block grant applications (e.g. during planning of the program or the construction of a facility)? What measures will be taken to ensure that minorities and women fill some of these positions?

Will the project improve or impair the accessibility of minority communities to existing or planned employment facilities?

In answering these questions, do not be satisfied if proposals merely fail to impinge on minority interests; determine whether proposals have utilized fully opportunities to affirmatively advance minority access to community facilities and to upgrade the quality of facilities serving minorities where inequality now exists.

Regional Context

It is an objective of the new Act to achieve "a more rational utilization of land and other natural resources."¹¹ The theory is to achieve these objectives through "consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of federal aid which encourages community development activities which are consistent with comprehensive local and area-wide community planning."¹²

Thus, while Congress opted to make grants to localities rather than to area-wide or regional entities, Congress acknowledged that meeting the needs of low and moderate income families is not coterminous with local boundaries.

This concern is reasserted in the application requirements. The three-year community development plan must be "developed in accordance with area-wide development planning and national urban growth policies."¹³

The community development proposals should be evaluated within the context of county-wide area and regional needs and plans, especially as they relate to housing and job markets which usually transcend local political boundaries.

The evaluation of community development proposals must, therefore, be on the basis of knowledge of the housing assistance proposals and vice versa. An examination of the application will necessarily involve going back and forth between both portions of the plan and checking one against the other for proper coordination.

Evaluation Criteria

The housing provisions should be evaluated primarily for (a) adequacy of supply, (b) location, (c) metropolitan allocation, (d) affirmative marketing, and (e) consumer counseling.

1. Adequacy of supply should be probed under the following headings:

- a) Volume: are the number of units sufficiently comparable to established need to be reasonably adequate?
- b) Price: are projected rentals (or sales prices) within the means of the income groups that need housing?
- c) Types: are housing units sufficiently varied as to size, high rise/low rise, ownership/rental, etc., to meet the requirements of households of varying sizes, compositions and age cycle?

2. Site location of assisted housing remains decisive for equal opportunity for racial minorities. The single most important query to be directed to a community's housing planners (and, later, its governing body) is likely to be whether the proposed housing is to be located throughout the pertinent (municipal, county or regional) jurisdiction to maximize freedom of choice in place of residence. Failure to locate assisted housing in predominantly white neighborhoods as well as failure to locate needed housing in minority racial concentrations should be equal causes for criticism, formal complaint, and, where indicated, legal challenge by fair housing advocates.

3. Metropolitan area-wide allocation of assisted housing units in accordance with a plan based on objective criteria (employment, vacant land, quality schools, transportation, etc.) should be the optimum guide to site selection. Failure of the new Act to provide incentives for metropolitan housing allocation is one of its most serious faults. It does, however, require that funds be used for improvements "which are consistent with comprehensive local and area-wide development planning." You can overcome shortcomings in the Act's regional provisions by area-wide advocacy of complementary solutions by citizen advocacy, within each constituent jurisdiction of a metropolitan area. (The role of Chicago's Leadership Council for Metropolitan Open Communities and Buffalo's Housing Council of the Niagara Frontier in helping their respective areas' official regional planning agencies formulate housing allocation plans can serve as models for citizen group initiative in this sphere.)¹⁴

4. Affirmative marketing plans will continue to be required by HUD for all federally assisted housing, including the new Act's Section 8 units, whether channeled through local housing authorities, state housing agencies, or provided privately through direct application to HUD.¹⁵ The need for affirmative marketing (to which HUD responded in February 1972) was born of the realization that equal access to assisted housing for all requires equal market information as to availability, eligibility, location, cost, etc., as well as equal on-site treatment by sales personnel. The enlarged role of PHAs and the diminished role of HUD in the Section 8 housing program is likely to result in completely perfunctory observation of affirmative marketing requirements (already lacking in effectiveness under HUD administration of construction subsidy programs).

HUD is currently negotiating voluntary agreements with homebuilders and real estate brokers to market housing affirmatively to target groups of potential users. Such voluntary agreement suffers from the weaknesses of all industry self-policing arrangements.

Monitoring and investigation by citizen advocacy groups is critical to effective implementation of HUD's affirmative marketing regulations under the new Act's reliance on local decision-making. Such surveillance efforts require detailed knowledge of these regulations and periodic reviews of the affirmative marketing file in the HUD field office as well as clipping local real estate advertisements and making of on-site visits by white and minority testers.

Citizen advocacy groups should aim to go beyond monitoring of individual projects by initiating a community-wide affirmative marketing agreement with its own built-in and self-financed policing mechanism. Such a community-wide instrument should have as its contracting parties, in addition to the homebuilding, real estate and mortgaging industries, all levels of government relevant to the subject jurisdiction, major employers, chambers of commerce, labor unions, religious bodies, civic associations, professional societies, racial and ethnic organizations and other groups that represent significant forces in the community prepared to give conscientious support to affirmative marketing of open housing. (The affirmative marketing agreement for the Dayton (Ohio) metropolitan area, "An Affirmative Fair and Equal Housing Plan for the Miami Valley Region," can serve as a prototype.)¹⁶

5. Counseling of users of assisted housing is vitally important to its success, as the sad experiences of the 235 home ownership program so amply demonstrated. Counseling is most important for Section 8 existing housing units which will be marketed as "finders-keepers," i.e. eligible homeseekers are to locate vacant units that are eligible within HUD fair market rent limits and meet its criteria for condition and space. The provision of counseling services was called for by the sponsors of the Act and can be financed with federal funds.¹⁷ However, the organization, training and effective operation of local counseling staffs is dependent on timely and persuasive advocacy by citizen fair housing groups. The design of a counseling program that is adequate to its workload and professional in its performance is not likely to emerge from traditional city hall or housing authority approaches. Spell out the kind of counseling services needed. Oppose, above all, moves to make counseling programs subject to local patronage or to contract for them with real estate agencies unfamiliar with the special needs of lower and moderate income clients in assisted housing programs.

IV. WHAT FAIR HOUSING ADVOCATES SHOULD KNOW ABOUT BLOCK GRANTS FOR COMMUNITY DEVELOPMENT

Certain categories of local governments are entitled to block grants as determined by a formula based on population, size, housing conditions and numbers of poor. All other local governments must compete for the balance of funds to be awarded at the discretion of HUD.

1. How can I find out whether my city or town or county is entitled to a block grant for community development?

The following categories of local governments are entitled to specified amounts, available upon application:

- a) Municipalities of over 50,000 population and central cities (regardless of population size) of Standard Metropolitan Statistical Areas.
- b) Urban counties of over 200,000 population that are empowered to engage in community development.
- c) Any municipality which received federal funds under the programs superseded by the new Act.

All other local governments must compete for the balance of funds to be distributed at the discretion of the Secretary of the Housing and Development Department (HUD). (See Appendix C for the description of eligibility for funding).

2. How is the amount of the grant decided?

Entitlement recipients receive grants according to a formula based on population size, housing conditions and numbers of poor. However, those local governments that have received funds under previous federal assistance programs for community development in an amount greater than they would get under the formula are "held harmless" from loss during the first year and gradually reduced to the formula amount over the course of succeeding years. (See Appendix D for basis for fund allocations.)

3. How can I find out the amount of block grant money to which my city or town or county is entitled or might get as a discretionary grant?

This information can be obtained from the HUD field office in whose jurisdiction your local government is located, or from your regional planning agency or your local planning board or department. (HUD office addresses are listed in Appendix E.)

4. What is the deadline for filing applications?

Applications must be submitted after December 1, 1974, and before April 15, 1975, unless HUD extends the filing deadline. Certain "discretionary" funds can be applied for between April 1 and May 15. If HUD does not disapprove the application within 75 days, it is deemed approved. However, prior to filing with HUD, the local government must submit its application to the regional planning agency for review and comment within a 45-day period, subject to Office of Management and Budget Circular A-95. (See Appendix A.)

5. What rights do citizens have to participate in the preparation of the local application for funds?

HUD's administrative regulations state that before the local government can submit its application it must:

a) Give citizens adequate information about the amount of funds available and the range of activities permitted under the law.

b) Hold at least two public hearings to get citizens' views of local needs.

c) Give citizens an "adequate opportunity" to participate in the development of any subsequent changes, revisions or amendments to the proposed application.¹⁸ At the end of the first year, grant recipients must file an annual report which documents the opportunity given citizens to share in developing the application. The report must give specific and detailed information: names, dates, places, etc.¹⁹

The "adequate opportunity" provision means that local government must give citizens enough time to comprehend the plan and get all the information that they feel is necessary. Time for this should not be curtailed to meet timetables set by local officials. Jurisdictions entitled to grants have until April 15 to submit an application; the rest have until May 15. Their entitlement of funds will not be affected by date of application, if within the April 15 deadline.

6. What if delay jeopardizes existing projects?

If city officials claim that early submission (i.e. before April 15, 1975) is necessary to continue funding for existing, ongoing projects, it should be pointed out that such projects can get advance funding from HUD while more thorough studies are undertaken.

If citizens determine that such projects are viable, they should offer to support the city in its application for transitional funds. These funds are deducted from the city's first-year entitlement funds. The application for an advance may be filed no earlier than December 1. The maximum funding a city can get is 10% of its entitlement grant. Advance funds may be used only for (a) planning of community development activities, (b) previously approved urban renewal activities being carried out under Title I of the 1949 Housing Act, or (c) previously approved model cities activities being carried out under Title I of Demonstration Cities and Metropolitan Development Act of 1966.²⁰

If city officials claim that the 10% advance funding is too little, find out if their budget processes allow temporary use of general operating funds. If so, cities could meet bona fide prior commitments without rushing their application for total amount.

7. What must the local application include?

The local government must provide:²¹

- a) A summary of the community development activities to be undertaken over the next three years. The summary will identify the city's needs; specify short term and long range goals and articulate a comprehensive strategy for meeting these goals in a manner consistent with area-wide development planning and national growth policies.
- b) A program statement of the first year's community development activities. The city must specify the eligible activities, identify available supporting resources, and describe any relevant environmental factors affecting the choice or location of the activity. The proposed program must demonstrate that planned activities will serve needs of low income and minority people. The applicants must submit maps which identify locations of proposed activities and indicate minority concentrations in census tracts within the applicant jurisdiction.
- c) A Housing Assistance Plan (HAP). The HAP must (1) include a summary of existing housing conditions, (2) estimate the housing needs of lower income people currently residing or working in the community, (3) provide for any additional low income housing opportunities which will be necessary to accommodate the labor force anticipated from planned employment facilities.
- d) Budget and required certifications of compliance with federal law and regulations.

8. At what point should citizens get involved in the application process?

Citizens should be involved in the planning process from initial formulation to final implementation. Local governmental agencies preparing the preliminary proposals and documentation needed for the application, such as planning commissions and urban renewal agencies, must let citizens help develop their application for a block grant.

9. What proof must the local government submit that it gave citizens adequate opportunity to participate?

Citizen participation is evaluated at two steps in the process:

- (a) A local government must certify in advance of receiving its grant that it has met requirements for citizen participation (see question 10 below; (b) At the end of each year's program HUD will audit the local government's record of citizen participation. Pre-certification criteria are minimal. Performance standards for the year-end audit, however, are relatively detailed. Requirements for each are given in replies to the questions which follow.

10. What types of citizen participation must the applicant pre-certify?

According to the pre-certification criteria for citizen participation, a jurisdiction applying for funds must:

- a) provide citizens with "adequate information" concerning the amount of federal funds available for local housing and community development; permitted activities under the legislation, and important program requirements;
- b) hold at least two public hearings to determine the views of citizens on housing and community development needs, and
- c) provide citizens an adequate opportunity to participate in the development of the application.²²

HUD will approve application from localities which meet the minimum pre-certification requirements, that is, by holding several informational meetings and perfunctory public hearings. HUD might scrutinize an application more carefully if it gets complaints that local officials were uncooperative in permitting citizens to participate in preparation of the application and its required plans. A local government that is uncooperative at the application stage is not likely to meet HUD's performance standards for the year-end audit, which require, among other things, a detailed citizen participation plan. Demand such a plan at the outset. Make sure that it complies with the performance standard's criteria. Ask that it be published and implemented. If the agency fails to provide this, notify HUD and urge that funds be withheld until the local jurisdiction complies.

11. On what standards will HUD base its year-end audit of grantees' performance in citizen participation?

The standards to be used by HUD for an annual audit will record the applicant jurisdiction's performance in citizen participation by the following categories:

- a) when and how the information was disseminated concerning the amount of funds available, the legislative provisions, and other important program requirements;
- b) when public hearings were held in the initial planning process;
- c) how and when citizens had an opportunity to participate in the development of the application prior to submission;
- d) when and how technical assistance was provided to assist citizen participants to understand program requirements, such as environmental policies, equal opportunity requirements, and relocation provisions;
- e) the nature and timing of citizen participation in the development of any future community development amendments, including reallocation of funds and designation of new activities or locations.

The performance standards will also note whether the city has

developed a process which enables citizens likely to be affected by community development and housing to articulate their needs, express preferences about proposed activities, assist in the selection of priorities and otherwise participate in the development of the application.²³

12. What sources of information are available to local citizens?

Local jurisdictions must provide citizens "adequate information" about the contents of the legislation, permissible activities, and any other materials citizens need to be able to evaluate past programs, as well as current and projected needs. If you consider informational materials distributed by the local government to be inadequate, demand more comprehensive materials. Ask for staff reports, proposed budgets, evaluations, maps, and any other supporting documentation you need. All local governments getting federal assistance must give such information upon request. The basic sources for facts on which the applications are based are:

- 1970 censuses of housing and population by census tract for the local jurisdiction;

- FHA analysis of regional housing market needs;

- workable programs submitted for federal community improvement programs;

- applications submitted under state housing and related programs,

and

- adopted or proposed municipal and area-wide development plans and relevant ordinances.

13. What equal opportunity provisions must the application include?

In addition to compliance with all federal, state and local civil rights laws, the new Act requires that federal funds be used in a way which provides housing opportunities for persons with low and moderate income outside low income and minority concentrations. All applications must include maps showing the proposed locations of community facilities and assisted housing units. These maps must document the percentages of minority occupancy in the census tracts relevant to the proposed sites.²⁴ If the application is approved, the jurisdiction must maintain data on participation by minorities and women in the program.²⁵ The jurisdiction must make this information available on request.

14. What happens to the application when filed with HUD?

HUD will scrutinize each application pro forma. It will normally accept the applicant's statement of facts and supporting data as valid, unless substantial conflicting evidences from other sources is brought to HUD's attention. Unless HUD specifically rejects an application within 75 days of receipt, it will be considered approved.

If you feel that the application of your local government contains

inaccurate information or prescribes uses which would be detrimental to equal opportunity, inform the Director of the HUD area office in writing (registered mail, return receipt requested). (Copy to Equal Opportunity Officer.) Do it without undue delay--as early as possible within the 75-day period after application is made. HUD may require amended applications if changes are necessary to meet civil rights objectives.

15. What recourse do you have after your local government receives its funds?

Monitor implementation of the plan to insure adherence to planned uses. HUD's evaluation of compliance with the approved plan will be based on annual performance reports submitted by the local jurisdiction. The local jurisdiction must include in its annual report a documented statement of progress made in meeting the equal opportunity performance standards.²⁶ In reviewing the local government's annual report, HUD can ask for the following:²⁷

a) Criteria designed to promote equal opportunity objectives in selecting sites for public facilities;

b) Programs used to increase participation by lower income minorities in activities funded under the legislation;

c) Actions taken to promote equal employment opportunities;

d) Actions taken to encourage development and enforcement of fair housing laws;

e) Actions taken to prevent discrimination in housing and related facilities developed and operated with assistance under the legislation;

f) Actions taken to prevent discriminatory lending practices for residential property and related facilities;

g) Actions taken to insure that all land use and development programs funded under the legislation provide increased housing opportunities throughout the planning area for minorities and persons of low and moderate income;

h) Site selection policies adopted to promote equal opportunities in housing;

i) Racial, ethnic and gender data showing the extent to which minorities have participated in, or benefited from, programs receiving funds under the Act. The jurisdiction must retain such records for a period of three years.

Insist that the jurisdiction include the above information in its annual performance report without waiting to see whether HUD will request it. HUD will review the recipient's performance before approving the succeeding year's application for a grant. Monitor the performance of the local government to insure that it is meeting equal opportunity standards. Identify weaknesses in implementation which can be corrected, and alert HUD about non-compliance wherever it occurs.

V. WHAT FAIR HOUSING ADVOCATES SHOULD KNOW ABOUT SUBSIDIZED HOUSING PROGRAMS

The new Act relies almost completely on a single form of housing subsidy--housing assistance payments (basically rent supplements or housing allowances).

Fair housing advocates will be focusing their attention on the housing assistance plan, made a mandatory part of the application for federal funds under the Housing and Community Development Act of 1974. The housing plan should benefit from close coordination with improvement proposals under the community development plan. Such coordination is essential for contribution to satisfying the housing needs of local and potential residents of low or moderate income. But, above all, the housing provisions should affirmatively expand the opportunities of racial minorities to live in decent housing in a neighborhood of their choice.

The more fair housing advocates, the better able will they be to know about the availability and adaptability of the various housing subsidy programs to advance equal opportunity. Though these programs involve some technical aspects not necessary for you to learn, it is important to have at least a working familiarity with the various programs in order to assess their usefulness in given situations.

1. What housing subsidy programs are available in the new Act?

a) There is virtually complete reliance on a single form of housing subsidy--housing assistance payments (a form of housing allowance or rent supplement) commonly referred to as the "Section 8 program." Almost nine-tenths of the money authorized for housing subsidies is committed to the Section 8 program: of \$1.255 billion all but some \$150 million (set aside for housing authorities).

b) Of this \$150 million about half is available for traditional public housing, much of it to be used to rehabilitate and modernize existing projects.

c) The elderly housing program (Section 202, adopted in 1959) has also been extended, with an appropriation of \$200 million.

d) The single-family home purchase program (Section 235), under which subsidies reduced mortgage rates to as little as 1%, was reenacted, but no new funds were authorized. However, funds previously appropriated and impounded since January 1973 remain available.

e) The multi-family mortgage subsidy program (Section 236) also has been extended, with an additional authorization of \$75 million. It

also has a balance of unused funds that were impounded in January 1973.

f) The rent supplement program of 1965 (Section 101) also was extended without funding. It also has funds impounded since January 1973.

2. What happened to the impounded housing funds appropriated for previous programs?

Nearly \$400 million appropriated for Sections 235, 236 and 101 has been impounded since January 1973 by HUD. The new Act lets HUD use these programs at its discretion. To date HUD has vowed to use neither these programs nor the impounded money on the grounds that the programs are wasteful and unnecessary. (Despite abuses stemming largely from poor administration, more housing was provided for low and moderate income persons between 1968, when Sections 235 and 236 were enacted, and 1973 than in any previous five years of federal housing programs.) HUD contends that the Section 8 program is adaptable to any area's housing needs.

3. Should communities rely on Section 8 funding to meet local housing needs?

Though Section 8 is a new program that has evoked widespread skepticism about its workability, there is little alternative but to try to use it. Where Section 8 is inadequate, local applicants should supplement it with the old programs (235, 236 and 101). Despite HUD's aversion to the use of these programs, Congress intended that they be used when and where needed.²⁸

4. How will Section 8 housing work?

Federal funds will subsidize rents of eligible households by paying the difference between rent charged by owner and rent paid by tenant (15% to 25% of the tenant's income).²⁹ HUD will publish fair market rent schedules for each housing market area in the nation. These are the maximum rents for dwelling units to be eligible for the program.

5. What kinds of dwelling units will be provided under the Section 8 program?

Existing units, rehabilitated units and newly-built units are included. HUD makes a long-term commitment for newly-built or substantially rehabilitated units in the form of contracts committing federal rent subsidies. Separate rent schedules will be provided for new or substantially rehabilitated units and existing units.

6. Who is eligible to occupy Section 8 units?

Families earning less than 80% of the current median income for families in a metropolitan area (SMSA). Those between 50% and 80% are designated as "moderate" income families; those under 50%, as "low" income.

A sampling of four metropolitan areas shows the following dollar limits for a family of four:

AREA	MEDIAN INCOME *	MODERATE (80%)	LOW (50%)
Washington	\$ 12,341	\$ 9,872	\$ 6,170
Boston	\$ 15,834	\$ 12,667	\$ 7,917
Atlanta	\$ 12,940	\$ 10,320	\$ 6,470
Chicago	\$ 14,436	\$ 11,548	\$ 7,218

* 1974 estimates by NCDH based on U.S. Census for 1970

7. How will Section 8 funds be allocated between low and moderate income households?

The Act allocates 30% of the Section 8 funds to low income occupants. In the rent-up of newly constructed and substantially rehabilitated units the owner must lease 30% of the units to low income tenants, and exercise his best efforts thereafter to maintain this low income rate.³⁰ Public housing agencies must do the same for existing units.

8. Will Section 8 units be confined to specific parts of assisted projects?

No. The Act states among its objectives "the reduction of the isolation of income groups within communities and geographical areas" and the "spatial deconcentration of housing opportunities for persons of lower income."³¹ The intent of the legislation is a random mix of assisted and non-assisted units in each building.

9. What provisions are there for above-average size families in Section 8 units?

It is the intent of the new Act to increase the supply of rental units with three or more bedrooms. At least 20% of all Section 8 funds must be used for such units. HUD will give preference to proposed units having a "substantial proportion of three or more bedroom units." This percentage is not required in each project. However, each HUD area office must select projects which in the aggregate will achieve the goal of providing 20% of all assisted units for households needing three or more bedrooms.³²

10. How are housing funds allocated to the various local areas and communities?

The new Act provides that funds for all housing subsidy programs shall

be allocated according to a needs formula based on population, poverty, overcrowded and substandard units, vacancy rates and other objectively measurable conditions.³³ Though all housing programs are subject to this fund distribution formula, HUD's reluctance to implement other programs is likely to make the allocation formula meaningful in practice only for Section 8 funds.

11. How are Section 8 funds made available?

HUD's central office will allocate funds to HUD field offices and designate them for use either in metropolitan (75-80%) or non-metropolitan (20-25%) areas. Each field office will determine the number and types of units to be available in each such area for new construction, substantial rehabilitation and existing housing. State housing agencies may apply to the appropriate HUD field office(s) for a specific "set aside." The balance is available upon application to field offices by PHAs or private owners or builders.³⁴

12. What are the local approval requirements for Section 8 and other housing assistance programs?

Within 10 days of receiving an application, HUD must notify the local governmental unit in which the proposed housing is to be located and give it 30 days to comment on the proposed project. Certain categories of application are excepted from this rule: (a) those for less than 12 units in a project or development; (b) those for units in a federally-approved new community, and (c) those for state-assisted housing in local jurisdictions that have not gone on record in advance by a statement in the local housing assistance plan to exclude state-assisted housing.

Jurisdictions with approved housing assistance plans must restrict their comments on a proposal to its consistency with the adopted local housing plan. HUD may overrule local objections and approve an application for housing assistance if it finds such housing consistent with local plans. If it does, it must give written reasons to the local jurisdiction. If HUD sustains a jurisdiction's objections, it must give written reasons to the applicant.

If the proposed project is within a jurisdiction which does not have an adopted housing assistance plan, HUD's decision to approve or disapprove the application will be based on a determination of the need for assisted housing, existence of adequate supporting facilities (streets, sewers, schools, etc.) and compatibility with state housing plans. The local jurisdiction has the right to file with HUD comments and information relating to the proposed application.³⁵

13. What effect do local zoning laws have on HUD's commitment to assist a proposed project?

The applicant is required to demonstrate that proposed construction

is permissible under the applicable zoning, building and housing codes, ordinances or regulations. Where zoning changes are necessary, the applicant must submit evidence that they will be made before final certification by HUD.³⁶

14. How are Section 8 rental subsidies available for existing units?

Only (local or state) public housing agencies (PHAs) may apply to HUD field offices for Section 8 funds for rental subsidies (known as housing assistance payments) and related administrative expenses.³⁷ Upon completion with funding agreement with HUD, the PHA must notify everyone on its public hearing waiting lists that they may apply for Section 8 housing without jeopardizing their place on the waiting list.³⁸

Prospective tenants of Section 8 units must apply to the PHA for certificates of participation which are valid for 60 days. Certificate holders are required to find their own housing units within HUD's fair market rent schedules. This is HUD's "finders-keepers" policy which exempts the PHA from its traditional role in the leased housing program of finding, renting and subleasing units to eligible families.

15. What roles can LOCAL PHAs play in the Section 8 program?

a) Construct housing: PHAs can be builders for housing for Section 8 subsidized tenants. Unlike the conventional public housing program, Section 8 provides only rent subsidies; it does not provide federal under-writing of PHA bonds for construction funds. The PHA must secure its construction money from non-federal sources such as state housing agencies, county government or its own bonds backed by the faith and credit of its municipality. Projects constructed with the assistance of loans or loan guarantees from state or local public housing agencies are eligible for 40-year contracts as compared to the 20-year maximum for projects under-written by non-governmental institutions.

b) List vacancies in housing eligible for Section 8 leasing for referral and guidance of eligible apartment seekers.

c) Make names of eligible homeseekers available to private owners of housing with approved Section 8 units.

d) Counsel homeseekers: PHAs can provide skilled housing counselors who can inform and advise eligible homeseekers of their rights and options in the market.

e) Act on behalf of private builders in applying for HUD housing assistance contracts for proposed rehabilitation or new construction of rental units.

16. What will STATE public housing agencies do under the Section 8 program?

State PHAs are eligible for Section 8 funds under the same conditions as local PHAs, except that HUD may set aside a specific amount of money for the exclusive use of state housing agencies which request it.

The new Act reflects the long-term strategy of the Nixon-Ford Administrations in favoring state assumption of the funding role for housing construction that the federal government has played in the past. HUD has encouraged the creation of state housing agencies to fund construction with monies raised through state bond issues for housing.

Though more than half of the states now have housing agencies, these vary considerably in their powers, procedures and activities. State funds to assist construction is viewed by HUD as a preferred substitute for such federal programs as 235 and 236. State construction loans and mortgages are seen as a means of facilitating the building of housing for total or partial occupancy by tenants whose rents are subsidized by federal funds through Section 8.

17. Will HUD enter into direct contracts with private owners or builders for Section 8 subsidies?

Owners or builders can apply directly to a HUD field office to get HUD commitment on housing assistance payments under Section 8 for a given number of dwelling units in newly constructed or substantially rehabilitated buildings. Direct application for Section 8 occupancy in existing buildings is limited to areas without a functioning public housing agency.

18. How do owners or builders make new or substantially rehabilitated units eligible for occupancy by Section 8 tenants?

Owners or builders have the option of applying for leasing contracts to (a) local housing authorities, (b) state housing agencies (where they exist), or (c) directly to HUD. The application offers specific units to be made available to eligible low or moderate income households on the basis of a contract which guarantees that the builder will receive federal funds to pay the difference between market rent and 15% to 25% of tenants' income.

19. What conditions must an owner of newly constructed or substantially rehabilitated housing meet to receive a commitment for Section 8 units?³⁹

a) He must have building sites, financing capability and cost estimates that show operational feasibility under HUD's fair market rents.

b) He must have a site and design plan that meets HUD Minimum Property Standards (in the case of mobile homes, the American National Standards).

c) The location of the proposed housing must conform (a) to the local housing assistance plan (where existent) and (b) to HUD's Site and Neighborhood Selection Standards.

d) An affirmative marketing plan must be filed with HUD's field office.

e) Builders applying for a leasing contract that is closest to an optimum of 20% of the dwelling units in the project occupied by Section 8 tenants receive the highest priority (except in projects with less than a total of 50 units and projects for the elderly or handicapped).

19. What incentives does Section 8 contain for the private owner of newly constructed or substantially rehabilitated units?

A builder may use a HUD contract to provide housing assistance payments as security for any loan or obligation.⁴⁰ Vacancies during rent-up and subsequent to it are compensated by HUD at a ratio equaling 80% of the contract rent for a vacancy period of not more than 60 days, provided that the owner takes all feasible actions to obtain tenants.⁴¹

20. What measures can local government take to induce builders to construct units for Section 8 occupancy?

A number of jurisdictions ranging from small suburban towns to the City of Los Angeles have adopted ordinances (usually under zoning authority) requiring builders to include a certain percentage of units for low and moderate income households at below-market rents or offering builders the option of so doing in return for increased density in land use. So-called "housing density bonuses" take many forms. Where HUD's fair market rent schedules are high enough to meet a builder's, there is no need to offer him higher densities as an incentive since a Section 8 tenant pays the same rent (with the assistance of federal subsidy) as any other tenant for a similar unit in a project. Where HUD's fair market rent schedules are below the builder's, the density bonus inducement can make additional units available for Section 8 occupancy.⁴²

APPENDIX A

The A - 95 Review Process

The A-95 Project Notification and Review System (PNRS) gives affected state, regional and local agencies the opportunity for advance review of, and comment on, applications for federal financial assistance. Its purpose is to facilitate intergovernmental coordination of federal funding and to assure the consistency of proposed programs with federal, state and local requirements by permitting affected governmental entities to comment on potentially adverse or beneficial effects of proposed projects. PNRS was established in 1969, pursuant to federal legislation, by the Office of Management and Budget. OMB's Circular A-95 sets forth the regulations.

Civil Rights Groups can Participate in A-95 Reviews

Circular A-95 was amended in March 1972 to give state and local civil rights enforcement agencies the opportunity to comment on the civil rights implications of proposals for federal funding. Circular A-95 was further amended in November 1973 to extend the same review rights to all public civil rights agencies (such as local human rights commissions) including those that lack enforcement powers. (Non-governmental civil rights organizations can affect the review process indirectly, through a governmental civil rights agency.) The amendment states that one of the purposes of PNRS is to "provide public agencies charged with enforcing and furthering the objectives of state and local civil rights laws with the opportunity of participating in the review process."

Coordination of the A-95 Process in each Area

In each area the A-95 review process is coordinated by "clearinghouses." These are multi-jurisdictional agencies which operate in coordination with the cities and counties of a state or region. There are three types of clearinghouses. State clearinghouses, designated as such by the governor, are state agencies with comprehensive planning capacity. Regional clearinghouses, also designated by the governor, are multi-jurisdictional agencies in non-metropolitan areas. Metropolitan clearinghouses are metropolitan area-wide agencies designated as such by OMB.

How the A-95 Review Process Reviews Community Development Projects

The review process proceeds as follows:

- a) instruction to potential applicant for federal funds require prior notification to clearinghouses of proposed projects;
- b) applicant submits description of proposed project to clearinghouses, initiating a 30-day notification phase during which state clearinghouses notify state agencies which might be affected by the proposed project, and metropolitan and regional clearinghouses notify local agencies;
- c) if clearinghouses or state and local agencies (the latter two communicate with applicants through clearinghouses) desire to confer with

applicant to resolve conflicts between proposed project and other projects or adopted plans, a clearinghouse transmits notice of such intent within 30 days of initial submission of application;

d) if conferring does not resolve conflicts, clearinghouse serves notice that application is open to filing written comments for additional period of 30 days;

e) comments of clearinghouses and/or other state and federal agencies are submitted to applicant;

f) applicant submits application, with all comments attached, to federal funding agency;

g) federal agency considers application and attached comments and, after making its decision on funding, informs clearinghouse of the action taken.

Housing and Community Development Act shortens A-95 Time Limit for Block Grant Reviews

The new Act requires all applications for community block grants to follow the above procedure with the exception that the total review period will take 45 days instead of 60 days. This will be accomplished by combining the notification and comment phases of the process into a single 45-day review period.

How the A-95 Process Reviews Requests for Federal Housing Assistance

Applications of private builders, local housing authorities or state housing agencies for assistance under any of the federal housing programs (Sections 8, 235, 236, etc.) are subject to A-95 review (unless below minimum number of units). However, such applications are not submitted to clearinghouses prior to submission to the federal funding agency (HUD, Veterans Administration or Farmers Home Administration).

The federal housing agencies are required to transmit applications for housing assistance to the clearinghouses which, together with other affected governmental jurisdictions and/or functional agencies, have 30 days for filing comments. Approval of application by the federal funding agency must await completion of A-95 review and comment process for this period.

Minimum Number of Units

In metropolitan areas all proposals for federally assisted or insured housing involving single family subdivisions of 25 or more lots, and multi-family projects with 50 or more units, are subject to reviews. In rural areas, A-95 reviews are required for single family subdivisions of 10 or more units and multi-family units of 25 or more units.

Although OMB Circular A-95 requires reviews only for housing assistance to new construction, the new Act makes all Section 8 proposals, including substantially rehabilitated and existing units subject to A-95 reviews. The new Act also gives clearinghouses and other affected agencies 34 days (instead of 30) from receipt of notice of application to submit comments.

APPENDIX B

The 701 Comprehensive Planning Process

Section 701, first enacted in 1954, provides federal financial assistance for comprehensive planning programs carried out by state, area-wide and local public agencies. Under the Housing and Community Development Act of 1974, eligibility for 701 funds directly from HUD is limited to states, municipalities with more than 50,000 population, urban counties and area-wide agencies in metropolitan areas which function as A-95 clearinghouses. Municipalities with less than 50,000 population may receive 701 funds through their respective state governments. The new Act authorizes \$280 million for 701 purposes during fiscal years 1975 and 1976. The federal share can not exceed 2/3 of the estimated cost of the work for which a 701 grant is made. Section 701 has always stressed area-wide planning. The inclusion of a "housing element" in local plans prepared with 701 money has been mandatory since 1968. The new Act has added a "land use element" as a mandatory requirement.

Area-wide planning with 701 funds is called for in the legislation, which defines appropriate jurisdictions as those having common or related problems. The Secretary of HUD is required to encourage cooperation in preparing and carrying out plans among all related jurisdictions, public agencies, and other parties in order to achieve coordinated area-wide development.

The housing element must take into account "all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities and population growth is based, so that the housing needs of both the region and the local communities studied in planning will be adequately covered in terms of existing and prospective population growth.

The newly required land use element must include studies, criteria, standards and implementing procedures for effectively guiding and controlling locational decisions about growth. It must contain general plans with respect to the pattern and intensity of land use for residential, commercial, industrial and other activities. The land use element is to serve as a guide for governmental policies and activities.

As of August 1977, 701 funds will be cut off for jurisdictions, both local and regional, which fail to include land use and housing elements in their comprehensive planning programs. Since land use and housing elements must be coordinated within the planning process, housing allocation plans become an essential basis for the allocation of land for residential uses.

The requirement that 701-funded planning should be considered with stated national growth policy means that, perforce, those regional or area-wide housing allocation plans which conform to stated national growth policy become a mandatory framework for local community development and housing assistance planning carried out with 701 money.

APPENDIX C

Eligibility for Block GrantsI. Entitlement Grants

The following categories of local governments are eligible for entitlement grants:

(1) Central cities of a Standard Metropolitan Statistical Area or municipalities over 50,000 in population (referred to as metropolitan cities).

(2) Urban county--any metropolitan area county with 200,000 population or more in its unincorporated areas which is authorized by state to undertake essential housing and community development activities may still qualify as urban counties. They may do so by entering cooperative agreements with incorporated municipalities to assist them in undertaking housing and community development activities. If the population covered by such agreements exceeds 200,000, county qualifies as an "urban county."

(3) "Hold-harmless" jurisdictions--entitlement jurisdictions and other governmental units that received federal development funds during fiscal 1968-72 for such programs as urban renewal, basic water and sewer, code enforcement, open space land, neighborhood development or model cities programs.

II. Discretionary Grants

The only qualification is that recipient jurisdictions be general purpose governments (municipalities, counties or states) with authority to engage in community development and housing assistance.

APPENDIX D

Basis for Allocation of Community

Development Funds

Funds authorized for distribution to local jurisdictions for community development are divided between those set aside as specified entitlements based on formula and the balance to be awarded at HUD's discretion. These categories are further divided between the metropolitan area's share (80%) and that of non-metropolitan areas (20%), (with the exception of certain of the discretionary categories which are free of locational limitations).

I. Entitlement Funds

Formulas govern the allocation of funds to those local jurisdictions entitled to have specified amounts set aside for them. (Eligibility for entitlement is defined in Appendix A.) The formulas are as follows:

(1) Central cities, municipalities over 50,000 population and urban counties are allocated amounts based on number of inhabitants, overcrowded housing units and poverty level households (counted twice) within the jurisdiction.

(2) Jurisdictions "held harmless" are eligible to receive a grant equal to the average received in categorical grants during fiscal years 1968-72. This is calculated by adding three separate categories of past funding:

- a. average annual grants received for urban renewal, neighborhood facilities, open space land, and basic water and sewer;
- b. average annual amount of money received for model cities programs up to June 30, 1972, and
- c. average annual grants for Neighborhood Development Programs where under Title I of 1949 Housing Act (urban renewal) and initiated in fiscal 1973.

(Citizens in "hold harmless" communities should ask for a breakdown of the local allocation on the basis of the above categories of previous funding. Though the formula is designed to take into account a local jurisdiction's capability of continuing previously initiated programs, the new Act does not require continuation of long-range programs simply because they are "in the pipeline." Their merits should be weighted against other needed improvements.)

II. Discretionary Funds

Within each state, the balance of funds after meeting entitlement allocations together with funds specifically appropriated for special

purposes is available for distribution to applicants at HUD's discretion as to amount and conditions for its use. Discretionary funds are in these categories: (A) metropolitan and non-metropolitan balances; (B) reallocated funds; (C) transitional, or urgent needs, funds, and (D) the Secretary's Fund.

A. Metropolitan and Non-Metropolitan Balances

The balance of funds in the metropolitan areas of a state are available for use by non-entitlement jurisdictions in those metropolitan areas. The balance of funds in the rest of the state (i.e. non-metropolitan) are available to non-entitlement jurisdictions in the non-metropolitan portion. An additional \$50 million is available for each of the fiscal years 1975 and 1976 to discretionary jurisdictions in metropolitan areas on the basis of the formula used to allocate entitlement funds (population, overcrowding, etc.).

Jurisdictions may apply for fiscal 1975 funds individually or by multi-jurisdictional application. Pre-applications, in the form of letters of intent, are submitted to the appropriate HUD area office between January 1 and March 1. HUD will review the application and advise each applicant of its chances of funding based on HUD's opinion of the proposed project and availability of funds for the fiscal year. Without regard to HUD's response to pre-application, all applicants may submit regular applications. These are due between March 15 and May 15 for fiscal 1975.

In each area, funding priority is to be given to proposed activities related to overcrowded housing, the extent of poverty, and other urgent community development needs. Rapidly growing areas or areas experiencing rapid decrease in population or employment due to national policy decisions will receive second level priority. All grants will be for one year, with no guarantee of subsequent additional funding.

B. Reallocated Funds

Money specifically set aside for use by entitlement jurisdictions, but not applied for by April 15 deadline, or funds disapproved as a result of HUD's application review or program monitoring will be reallocated for discretionary use by the Secretary of HUD. States and metropolitan cities, urban counties, and all other general purpose governments may qualify for these funds. Grants made under this provision are not subject to any formula. However, Secretary must give priority in re-assigning unused metropolitan area funds within the same state.

C. Urgent Needs Fund

Urgent needs funds, or transitional funds, are available to units of general purpose government with urgent community development needs which cannot be met through the entitlement or hold harmless allocation formula. \$50 million for fiscal years 1975 and 1976 and \$100 million annually thereafter is available for this purpose. All units of general local government are eligible to apply for these funds. HUD will give them to select eligible applicants who are not receiving sufficient community development funds to complete previously approved urban renewal, model

cities or categorical programs. Fiscal 1975 applications must be received by the appropriate area office between January 1 and May 15.

D. Secretary's Fund

The Secretary's Fund is 2% of the total community development funds appropriated, minus the urgent needs funds. The Secretary may use this money for new communities, area-wide projects, innovative projects, federally recognized disasters, and to correct inequities resulting from the allocation provisions of the legislation.

Proposals for innovative and area-wide projects are subject to the same deadlines for pre-application and full applications as proposals for metropolitan discretionary balances. HUD will give priority to applications for innovative projects it deems of national significance. For fiscal 1975, proposals for energy conservation, neighborhood preservation, or to increase public service productivity will receive preference. (Regulations giving funding priorities for area-wide projects have not been released as of date of publication.)

APPENDIX E

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REFERENCE NOTES

Notes on Sources:

The Federal Register publishes proposed and final regulations and other legal notices of federal agencies. Issues are available at your library, federal building, or from Dockets Clerk, HUD, Washington, D.C. 20410.

The Housing and Community Development Act of 1974 (Public Law 93-383) and the Directory of the Recipients are available from the House Documents Room (U.S. Capitol Building, Washington, D.C.) You might obtain copies more promptly through your Representative or Senator.

1. The Equal Employment Opportunity Commission (EEOC) is an independent federal agency which was created by Title VII of the 1964 Civil Rights Act. EEOC is responsible for promoting equal employment opportunity through litigation and through the promotion of affirmative action programs by private employers, states and local governments. The Office of Federal Contract Compliance (OFCC) is part of the U.S. Department of Labor. OFCC is responsible for achieving non-discrimination in employment by government contractors and subcontractors and in federally assisted construction programs.
2. Demonstration Cities and Metropolitan Development Act of 1966 (42 USC 3302), Sec. 204; Intergovernmental Cooperation Act of 1968 (42 USC 4201).
3. Information on relevant clearinghouses can be obtained from the local government, the Office of Management and Budget (Executive Office Building, Washington, D.C.) or the National Association of Regional Councils (1700 K St. NW, Washington, D.C. 20006).
4. Federal Register, vol. 39, part 570.300 (c), p. 40143 (November 13, 1974).
5. NCDH contracted with the California Fair Employment Practice Commission to do A-95 reviews in the San Francisco region. See NCDH Bay Area Demonstration Project, "Civil Rights and A-95 Civil Rights Review Project," San Francisco: 1974.
6. U.S. Housing and Community Development Act of 1974 (HCD Act), Public Law 93-83, Section 401 (c)(2).
7. Federal Register, vol. 39, part 570.306(b), p. 40145 (November 13, 1974).
8. 42 USC 2000(d); 42 USC 3601(c).
9. Local governments are permitted to use up to 10% of the block grant for discretionary purposes not foreseen in the application. If the applicant government desires to deviate beyond the 10% limit, it must file an amended application.

10. HCD Act, Sec. 101 (c).
11. HCD Act, Sec. 101 (c(5)).
12. HCD Act, Sec. 101 (d(2)).
13. HCD Act, Sec. 104 (a(1)).
14. For further information contact the Housing Council of the Niagara Frontier, 238 Main Street, Buffalo, N.Y. 14202, and the Leadership Council for Metropolitan Open Communities, 407 South Dearborn Street, Chicago, Ill. 60605.
15. Federal Register, vol. 39, part 1273.209 (a(7)), p. 40676, (November 19, 1974); Federal Register, vol. 39, part 1277.209 (a(8)), p. 41070, (November 22, 1974). Affirmative Marketing Regulations are not applicable to proposals involving under five units.
16. Copies available from Miami Valley Regional Planning Commission, 333 West First Street, Dayton, Ohio 45402.
17. U.S. Congress, 93 Cong., 2nd Session, Subcommittee of Housing of the Committee on Banking and Currency. Compilation of the Housing and Community Development Act of 1974, "Joint Explanatory Statement by the Managers of the Committee of Conference," p. 321. Washington: Government Printing Office, 1974. This statement represents the agreement of the Senate and House conferees on what the Act's language means and how it should be implemented. HUD Secretary James Lynn stated publicly on Aug. 22, 1974, that HUD would foster local use of counselors as if it were specifically in the Act.
18. Federal Register, vol. 39, part 570.303 (e(2)), p. 40144, (November 13, 1974).
19. Federal Register, vol. 39, part 570.906 (b(6)), p. 40150, (November 13, 1974).
20. Federal Register, vol. 39, part 570.906 (b(2)), p. 4043, (November 13, 1974).
21. Federal Register, vol. 39, part 570.303, p. 40144, (November 13, 1974).
22. Federal Register, vol. 39, part 570.303 (e(2)), p. 40144, (November 13, 1974).
23. Federal Register, vol. 39, part 570.900 (d(1)), p. 40150, (November 13, 1974).
24. Federal Register, vol. 39, part 570.303 (c(2), (c(4))), p. 40144, (November 13, 1974).
25. Federal Register, vol. 39, part 570.907 (f(2)), p. 40151, (November 13, 1974).

26. Federal Register, vol. 39, part 570.906 (b(5), p. 40150, (November 13, 1974).
27. Federal Register, vol. 39, parts 570.900 (c) and 570.906 (f), p. 40149, (November 13, 1974).
28. U.S. Congress, 93 Cong., 2nd Session, Subcommittee on Housing of the Committee on Banking and Currency. Compilation of the Housing and Community Development Act of 1974. "Joint Explanatory Statement by the Managers of the Committee of Conference," pp. 322,325. Washington: Government Printing Office, 1974.
29. HCD Act, sec. 8 (c(3)).
30. HCD Act, sec. 8 (c(7), part 1273.103 (s), p. 40670, (November 19, 1974); Federal Register, part 1273.103 (s), p. 41066, (November 22, 1974).
31. HCD Act, Sec. 101 (c(6)).
32. Federal Register, part 1273.208 (e(2), p. 40675, (November 19, 1974); Federal Register, part 1273.208 (e(2), p. 41069, (November 22, 1974).
33. HCD Act, Sec. 213 (d(1)).
34. Federal Register, vol. 39, parts 1273.201-203, p. 40673, (November 19, 1974); parts 1277.201-203, p. 41067 (November 22, 1974); parts 1275.201-203, p. 43185 (December 10, 1974); part 1278.104, p. 42755 (December 6, 1974).
35. HCD Act, Sec. 213 (a-c).
36. Federal Register, vol. 39, part 1273.209 (a(13), p. 40676, (November 19, 1974).
37. Federal Register, vol. 39, part 1275.203, p. 43184, (December 10, 1974).
38. Federal Register, vol. 39, part 1275.207, p. 43185, (December 10, 1974).
39. Federal Register, vol. 39, part 1273.209, pp. 40675-76, (November 19, 1974); part 1277.209, p. 41069-70, (November 22, 1974).
40. Federal Register, vol. 39, part 1273.103 (q), p. 40672, (November 19, 1974); part 1273.103 (q), p. 41066, (November 22, 1974).
41. Federal Register, vol. 39, part 1273.103 (e), p. 40670, (November 19, 1974); part 1273.103 (e), p. 41064, (November 22, 1974).
42. Ernest Erber and John Prior, "The Trend in Housing Density Bonuses," Planning--The ASPO Magazine, 41 (November 1974), 14-17.

ADDITIONAL READINGS

A-95 REVIEW PROCESS

NCDH Bay Area Demonstration Project. Civil Rights and the A-95 Review Process. San Francisco: July 1973.

Describes the A-95 review process as a potentially effective tool for promoting equal opportunity.

NCDH Bay Area Demonstration Project. Civil Rights and A-95 Review Process: Comprehensive Evaluation concerning the San Francisco Bay Area A-95 Civil Rights Review Project. San Francisco: November 1974.

Evaluates efforts of a pilot project which conducted A-95 civil rights impact reviews of proposals for federal funding.

AFFIRMATIVE MARKETING

Miami Valley Regional Planning Commission. An Affirmative Fair and Equal Housing Plan for the Miami Valley Region. Dayton: March 1974.

A plan for establishing area-wide standards for marketing assisted units to assure information and access on an equal basis; formulated by citizens organizations, government officials and housing industry representatives.

National Neighbors. Racial Steering: the Dual Housing Market and Multiracial Neighborhoods. Philadelphia: June 1973.

Describes the dual housing market, steering by brokers, and strategies for achieving a single open housing market. Relevant to Section 8 housing.

CITIZEN ACTION

NCDH. Bay Area Demonstration Project. Home Free: New Vistas in Regional Housing. San Francisco: 1974.

Documents efforts to promote effective citizen participation in the regional planning process through workshops, regional coalitions with other groups committed to open housing, regional applicant pools for subsidized housing, and the A-95 review process.

League of Women Voters. The Politics of Change. Washington: 1972.

Helps the concerned citizen understand forces that operate in the community and identify community goals and needs.

League of Women Voters. Anatomy of a Hearing. Washington: 1972.

Helps individuals and groups present their cases effectively in public hearings.

League of Women Voters. Getting It All Together: The Politics of Organizational Partnership. Washington: 1971.

Pragmatic advice on how organizations representing different races, cultures and age groups can work together.

EXCLUSIONARY ZONING

NCDH. Fair Housing and Exclusionary Land Use. Washington: 1974.

Summarizes recent court cases dealing with such issues as exclusionary zoning, restrictive building codes, site selection of federally assisted projects and controlled growth policies.

HOUSING ALLOCATION PLANNING

Economic Consultants Organization. Housing Allocation: Criteria and Strategies. Syracuse: August 1974.

An interesting guide which describes concepts of housing allocation as well as criteria used in formulating several allocation plans.

NCDH. Housing Allocation Plans: A National Overview. NCDH Information Series #2. Washington: May 1974.

Discusses emergence of housing allocation from a regional planning and equal opportunity point of view.

Nenno, Mary K. Housing in Metropolitan Areas: Roles and Responsibilities of Five Key Actors. Washington: 1973.

A HUD-funded study of the relationship of comprehensive planning, community development and housing production at the metropolitan level.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

NCDH. How Will Equal Opportunity Fare under the New Federal Housing and Community Development Act? NCDH Information Series #3. Washington: October 1974.

Analyses assets and liabilities for equal opportunity under new legislation.

HOUSING ASSISTANCE PLANNING

Hamner, Greene, Siler Associates. The Housing Element for State, Regional and Local Planning Agencies. (2 Vols.) Washington: June 1971.

A highly technical guide to sources and techniques for preparing a housing element. Volume I explains housing markets, including production,

delivery systems, building codes, filtering, and governmental intervention. Volume II describes sources and methods of analyzing the statistical data necessary to complete a housing element.

National Association of Housing and Redevelopment Officials. A Local Housing Assistance Plan. Washington: 1974.

This report describes legislative requirements for housing assistance plan under 1974 Housing and Community Development Act. It discusses techniques for documenting existing conditions, determining housing needs, setting annual housing goals, and choosing assisted housing sites.

HOUSING DENSITY BONUSES

NCDH. Housing Density Bonuses. Information Series #4. Washington: January 1975. Shortened version in Planning, The ASPQ Magazine, November 1974.

Surveys use of housing density bonuses in the approximately twenty communities which have adopted this land regulation technique to foster provision of units by homebuilders for low and moderate income occupants.

OPEN HOUSING

League of Women Voters Education Fund. Whatever Happened to Open Housing?! A Handbook for Fair Housing Monitors. Washington: 1974.

Useful guide describing how to monitor enforcement of federal civil rights laws and HUD's affirmative action guidelines for advertising, marketing, lending and site selection.

GLOSSARY

A-95 Review Process--The required review of applications for federal assistance by area or state clearinghouses and other affected government agencies.

Area-wide Housing Allocation Plans--Plans which distribute low and moderate income units throughout a metropolitan area.

Block Grant--Federal grant for a combination of community improvements, such as streets, schools, parks, sewers, recreation centers and rehabilitation.

Categorical Programs--Federal assistance given to state or local government for a specific facility or service.

Discretionary Grants--All grants which are not by entitlement.

Entitlement Jurisdictions--Jurisdictions which are central cities of SMSAs, municipalities above 50,000 in population, or urban counties above 200,000. All others are "non-entitlement jurisdictions."

Equal Employment Opportunity Commission (EEOC)--An independent federal agency created by Title VII of the 1964 Civil Rights Act, responsible for promoting equal employment opportunities.

Fair Market Rent--Amount needed to rent housing meeting HUD minimum property standards for households certified as eligible under Section 8.

"Hold-Harmless" Jurisdictions--Jurisdictions receiving less under the formula than the average annual amount received over the last five years for categorical programs.

Housing Density Bonus--A municipal regulation permitting construction of units additional to normally permitted density on condition that low and moderate housing units are included.

Innovative Projects--Local projects testing development concepts applicable to other jurisdictions, funded through HUD Secretary's Fund.

Office of Federal Contract Compliance (OFCC)--The Office of the U.S. Department of Labor responsible for achieving non-discrimination in employment by government contractors and subcontractors and in federally assisted construction programs.

Public Housing Agency (PHA)--Any public body (municipal, county, state) authorized to engage in or assist in the development or operation of housing for low and moderate income persons.

Rent-up--Time between completion of construction and full occupancy.

Substantial Rehabilitation--Improvement of a property up to requirements set forth in HUD regulations.

Section 701 Comprehensive Planning Program--Provides federal funds for local, regional or state planning programs.

Title VI of the 1964 Civil Rights Act (42 USC 2000 (c))--Prohibits discrimination on basis of race, color or national origin in any federally-funded program.

Urgent Needs Funds--A supplemental grant available to entitlement jurisdictions receiving insufficient funds.

Urban County--County with minimum population of 200,000 having housing and community development powers in its unincorporated areas.

NOTES

OTHER NCDH PUBLICATIONS

INFORMATION AND EDUCATION

Fair Housing & Exclusionary Land Use (Historical Overview, Summary of Litigation & a Comment with Research Bibliography)
1975 \$3.50

Middlesex County (N.J.) Suit Against Exclusionary Zoning: Complaint; Profile of Demographic and Housing Data; Map of the Middlesex Area, and Why Middlesex County? 1974 \$5.00

Housing Allocation Planning: Annotated Bibliography, Ernest Erber and John Prior; Council of Planning Librarians Publication 1974 \$2.00

Information Series

#2 *Housing Allocation Plans: A National Overview* \$.50

#3 *How Will Equal Opportunity Fare Under the New Housing and Community Development Act?* \$.50

#4 *Housing Density Bonus Zoning (shortened version published in Planning, the ASPO magazine.)* \$1.00

NCDH REPORTS

Home Free? New Vistas in Regional Housing, Report of the NCDH Demonstration Project in the San Francisco Metropolitan Area Free

Civil Rights and the A-95 Review Process \$2.00

Jobs and Housing: Final Summary Report \$1.25

REPRINTS

Metropolitan Housing Allocation Planning, Ernest Erber 1974
Reprint from Urban Land \$.50

Housing Policy for Metropolitan Areas, Robert Weaver 1973
Reprint from Focus \$.50

It Pays to Stay When Blacks Move In, Avery Comarow 1973
Reprint from Money magazine \$.50

GOVERNMENT PUBLICATIONS

Equal Opportunity in Suburbia
U.S. Commission on Civil Rights \$.55

Understanding Fair Housing
U.S. Commission on Civil Rights \$.55

Equal Opportunity in Housing: A Manual for Corporate Employers
U.S. Department of Housing and Urban Development \$.55